

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

STEVEN CLEM,
Plaintiff

v.

SCOTT H. JENKINS, et al,
Defendants.

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CASE NO.: 3:18CV00049

**PLAINTIFF'S MEMORANDUM IN CONCURRENCE WITH JAMES VERNON
FOX'S MEMORANDUM IN SUPPORT OF MOTION TO DISMISS**

COMES NOW the Plaintiff, Steven Clem ("Plaintiff" or "CLEM") by counsel and after consideration of the brief in support of the motion to dismiss concurs that the complaint in the above-styled case presently lacks facts sufficient to state plausible claims against Defendant James Vernon Fox ("FOX"). Consequently, all claims against FOX should be dismissed without prejudice.

Dated: August 24, 2018

Respectfully submitted,

STEVEN CLEM

By: /s/ M. Paul Valois
Of counsel

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of August, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record, including:

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